

Serial No. 10/588,805

Art Unit: 3612
Examiner: Jason S. Morrow**REMARKS**

In response to the Patent Office Action of April 10, 2009, the Applicant respectfully requests reexamination and reconsideration. To further the prosecution of this application, amendments have been made in the claims and with these amendments, all claims in this application should now be in condition for allowance.

On page 2 of the Patent Office Action in paragraph 1, the Examiner has objected to the drawings as not illustrating the features specified in the claims. The claims have been accordingly amended so that it is not believed that any further drawings are required. Specific reference to "motors" has been deleted from the claims.

On page 3 of the Patent Office Action, the Examiner has presented a rejection of claims 1-11 and 20-27 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. First, the Examiner has questioned the way that the lid is held to a position for support of the user's calves. Secondly, the Examiner has raised the issue relating to the motors and how they are arranged or positioned to maintain the least amount of intrusion into the storage space. With respect to both of these issues, the Applicant encloses a copy of photographs illustrating an actual rest configuration. The first photograph which is a rear view illustrates the position where motors may be supported. The second photograph is a perspective view illustrating the rest. The third photograph illustrates a front view and the storage space that may be separated by a vertical wall from where the motors are secured.

It is well known that motor vehicle seats are readily adjusted between different positions both in a forward and backward position as well as tilting in various other positions. These are controlled by switches that operate motors that have been used for years in the field of automatic control of drivers and passenger seats in a motor vehicle. With regard to the state of the art, reference may be made by way of example to U.S. Patent No. 4,366,983, a copy of which is enclosed. This same type of motor control can be used in accordance with the principles of the present invention and thus one skilled in the art would have clear knowledge of the means by

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which the adjustment of the lid occurs. In the '983 patent they happen to use a drive motor connected to a flexible shaft 31. They also incorporate a worm gear system for their selective adjustment of the inclination angle of the seat. As they note in this patent, by turning off the electric motor the swingable pivot part 11 stays in a suggested position due to the self-locking of the eccentrically located spur gear 14. This same type of mechanism can be used for control of the lid in accordance with the present invention. In addition, there are a variety of other types of adjustment control that should be well known to one skilled in the art.

In accordance with the present invention the conventional seat motor is adapted to be used to drive the lid. In the typical seat motor, electric motors and appropriate gear systems are routinely used for the adjustment of vehicle seats. The pivotal adjustment of the lid of the rest requires basically the same movement and locking capabilities of a drive motor as does the adjustment of the rake of a seat back. Thus, a similar motor and drive assembly may be used. In the attached photographs, an electric motor is used that drives a tooth quadrant on the lid through reduction gears. These reduction gears may include a worm gear so that the train is in effect self-locking against movement of the lid. Also, to one skilled in the art, various other types of motorized arrangements can be used all well within the purview of one skilled in the art. For example, some type of a stepping motor could be used and controlled in sequence to attain the claimed open and closed positions. With the adoption of normal seat motor controls, it would be readily apparent to one skilled in the art as to the manner in which the lid can be controlled in a similar manner to transition between open and closed positions. Accordingly, given the teachings in the present application, it would be apparent to one skilled in the art as to the manner to construct and utilize the concepts of the present invention as covered by the amended claims.

On page 4 of the Patent Office Action, the Examiner has also presented a rejection of claims 1-11 and 20-27 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the

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invention. In paragraph 7 on page 4 of the Patent Office Action, the Examiner has referred to claim terminology relating to “means for adjusting the position of the housing relative to the vehicle” as found in claim 1. To overcome this rejection, claim 1 has been amended to remove the “means” terminology. Claim 1 now defines a housing that is constructed and arranged so as to be adjustable relative to the vehicle. With these amendments to claim 1, it is believed that the rejection of claim 1 should now be overcome.

In paragraph 8 of the Patent Office Action with respect to claim 21, the Examiner has also referred to other means terminology including “means for supporting the base of the housing so that the position of the housing is adjustable between a position closer to the seat and a position further from the seat.” In view of this rejection, claim 21 has also been amended and now removes from the claim reference to “means for supporting.” Claim 21 now recites that the housing is constructed and arranged to support the base of the housing so that the position of the housing is adjustable between a position closer to the seat and a position farther from the seat. In connection with these rejections, it is noted that other claims have also been amended such as claim 4 which now simply defines a motorized rack and pinion for adjustment to the position of the housing; claim 23 which similarly claims the motorized rack and pinion arrangement and claim 27 which defines the base of the housing as constructed and arranged with rails that enable the base to move closer to or farther from the seat. With these amendments, the claims should be in proper order regarding these rejections.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants respectfully submit that all of the claims pending in the above-identified application are in condition for allowance, and a notice to that effect is earnestly solicited.

If the present application is found by the Examiner not to be in condition for allowance, then the Applicants hereby request a telephone or personal interview to facilitate the resolution of

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any remaining matters. Applicants' attorney may be contacted by telephone at the number indicated below to schedule such an interview.

The U.S. Patent and Trademark Office is authorized to charge any fees incurred as a result of the filing hereof to our Deposit Account No. 19-0120.

Respectfully submitted,
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